

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

OCT 21 2002

TECH CENTER 1600/2900

In re Patent Application of :

Xavier ROUAU, *et al.*

Group: 1651

Serial No.: 09/462,911

Examiner: M. Meller

Filed: January 18, 2000

For: A COMPOSITION COMPRISING AN ENZYME HAVING  
GALACTOSE OXIDASE ACTIVITY AND USE THEREOF

**SUPPLEMENTAL DECLARATION UNDER 37 C.F.R. § 1.131**

Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office  
Washington, DC 20231

Sir:

We Xavier ROUAU, Mette SCHRØDER, and Jørn Borch SØE, declare as follows:

1. We are the inventors named in the above-identified patent application.
2. We state that, prior to 1997, we reduced to practice in France, a WTO country, the invention of claim 33, as indicated in the Declaration Under 37 C.F.R. § 1.131, executed by us in January 2002 ("131 Declaration"). A copy of that claim 33 was attached to the 131 Declaration as Appendix A. A copy of a somewhat revised claim 33 is attached hereto as Exhibit 1. Our statements in paragraphs 4, 5 and 6 from the 131 Declaration, incorporated herein by reference, apply to claim 33 of Exhibit 1.

3. We state that all three of us collaborated in the work described by us in the 131 Declaration. We all contributed to that effort. While the report attached to the 131 Declaration in Appendix B was authored by one of us, Mr. Mette Schrøder, the report reflects collaborative efforts of all three inventors. This is indicated, *inter*

*alia*, by a notation on the report that the work was carried out under the supervision of Mr. Xavier Rouau.

4. The report indicates that the research program was conducted from 1995 until 1998. The work described in the report pertaining to our invention (as discussed in detail in the 131 Declaration) was performed by us prior to 1997. That work is discussed in detail in paragraphs 4-6 of the 131 Declaration.

5. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: September 2<sup>nd</sup> 2002

  
\_\_\_\_\_  
ROUAU Xavier

Date : \_\_\_\_\_

\_\_\_\_\_  
SCHRØDER Mette

Date : \_\_\_\_\_

\_\_\_\_\_  
SØE Jørn Borch

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Date: \_\_\_\_\_

ROUAU Xavier

Date : 21/7 2002

  
SCHRØDER Mette

Date : \_\_\_\_\_

SØE Jørn Borch

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Date: \_\_\_\_\_  
\_\_\_\_\_  
ROUAU Xavier

Date : \_\_\_\_\_  
\_\_\_\_\_  
SCHRØDER Mette

Date : July 29, 2002  
\_\_\_\_\_  
SØE Jørn Borch

**EXHIBIT 1**

33. (Twice Amended) A composition comprising, as a first component, a galactose oxidase (EC 1.1.3.9) and, as a second component: (i) an oxidizable substrate for the galactose oxidase which is at least one of a galactan, a galactose oligomer or a galactose dimer, (ii) an oxidizable substrate for the galactose oxidase which is at least one of a galactan, a galactose oligomer or a galactose dimer, and an enzyme which is capable of converting a compound into a substrate for the galactose oxidase, or (iii) an enzyme which is capable of converting a compound into a substrate for the galactose oxidase.